

UK Extended Ministerial Offices: on the road to cabinetisation

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*In 2015 the Conservative government has approved the creation of five Extended Ministerial Offices (EMOs), enabling ministers to recruit more special advisers and temporary civil servants. This development, which has gone unreported by the media, was unearthed by **Athanassios Gouglas**. In this post he and **Marleen Brans** explain the background to these developments and put them in comparative context.*

<https://constitution-unit.com/2016/02/09/uk-extended-ministerial-offices-on-the-road-to-cabinetisation/>

On 27 November 2013 the UK government agreed that Secretaries of State and other ministerial heads of departments may appoint an Extended Ministerial Office (EMO). The development was the brainchild of Cabinet Office Minister Francis Maude, and announced in the Cabinet Office report ‘**Civil Service Reform Plan: One Year On**’, which was published in July 2013. It came as a follow up to a June 2013 report commissioned by Francis Maude from the Institute for Public Policy Research (IPPR) titled ‘**Accountability and Responsiveness in the Senior Civil Service**’. The rationale was that British government ministers are significantly under-supported in comparison with other countries, including those within the Westminster administrative tradition. Some media outlets presented the decision as a **mini revolution** with ministers getting new powers to appoint at their own discretion the civil servants and staff who will work in larger ministerial offices. In view of establishing extended ministerial offices under coalition government executive politics,

the question was quickly raised as to whether the UK was moving down the road of establishing a ministerial cabinet system?

According to [Yong and Hazell](#) (2014, pp. 162-163), 'suggestions to adopt a cabinet system have been a staple since the 1960s', only for the idea to be quickly dismissed every time. EMOs are 'one more variant on this theme' (p. 198). Is this the case or do EMOs constitute a qualitative departure from what has been happening during the last 30 years? We assess this using the concept of cabinetisation, put forward in [a recent paper](#) by Gouglas, Brans and Jaspers (2015). Gouglas et al. have argued that we may be observing a process of 'cabinetisation' in non-ministerial cabinet systems of both the Westminster and continental traditions, which started in the 1980s and continues unabated till today, though its direction and intensity is neither uniform, nor equally intense across countries and time. Cabinetisation is a process by which that part of the 'internal to government' policy advisory system (as defined by [Halligan 1995](#)), which comprises ministerial offices, evolves towards or fully develops into a ministerial cabinet system. This process of 'cabinetisation' consists of the following developments:

1. The formal establishment of relatively big ministerial offices, comprising a mixture of civil servants and external appointees performing advisory duties.
2. Increased discretion and flexibility on behalf of ministers to organise their office and recruit their staff, whether external appointees or civil servants.
3. The widening of the scope of ministerial office advisers' policy work (colonisation of the policy cycle, policy management, coordination), including their ability to speak and negotiate on behalf of the minister, and give a steer to civil servants.
4. The ability of both external appointees and civil servants to pursue careers as advisers, without this hindering their progression or return to their past position.
5. Greater distance between the ministerial office and the department.
6. Increased politicisation which is evident both as increased pressure towards the administration for political responsiveness (and more blurred politico-administrative boundaries), as well as involvement with civil service appointments.

Empirical data on policy advisory systems and political advisers in ministerial offices across countries reveals that cabinetisation has been more advanced in Australia and Canada, but not so much in the UK and New Zealand (Craft 2012, [Eichbaum and Shaw](#)

2010, Halligan 2015, Maley 2015, Yong and Hazell 2014). Yet, the recent introduction of extended ministerial offices in the UK calls this into question. The examination of the UK government's [Ministerial Code](#) and [Extended Ministerial Offices – Guidance for Departments](#), as well as the Civil Service Commission's [new rules on exceptions concerning recruitment to EMOs](#), provide evidence of what may be regarded as a *de jure* process of cabinetisation, especially in terms of size and configuration of ministerial offices (point 1 above), ministerial discretion and flexibility in terms of staff management (2) and widening of advisers' policy roles (3). On all those fronts, we observe that the provisions concerning EMOs are loosely similar to those found on Decrees establishing ministerial cabinets in the Napoleonic administrative tradition countries.

To begin with, more integrated and bigger ministerial offices are formalised under the name of Extended Ministerial Office (EMO). This formalisation has survived the transition from coalition to majority government, as well as the departure from the Cabinet Office of the EMO founder, Francis Maude. According to point 3.5 of the 2015 [Ministerial Code](#) 'Secretaries of State and other Ministerial heads of departments may have an Extended Ministerial Office', which according to the latest [government guidelines on EMOs](#) are made up of a mixture of civil servants, special advisers and external appointees with temporary civil servant status. Moreover, ministers are given greater flexibility and discretion in managing their office by being able to 'decide to retain direct and full responsibility for appointments and management of staff in EMOs' ([Extended Ministerial Offices – Guidance for Departments](#)). More importantly, ministers can recruit external appointees, as civil servants who are brought in without fair and open competition. Some have argued that these political civil servants, unlike existing special advisers who are political aides, would have the [power to give orders to other officials](#). While there is no such explicit formal provision, the new actors' civil service status could potentially widen those actors' discretionary authority, raising questions as to the boundaries of their political and policy work vis-à-vis the administration, much like the situation we observe in ministerial cabinet systems.

Where EMO formal provisions are fundamentally different from what we would expect under the cabinetisation hypothesis is on the opportunities for an advisory career without restrictions in a ministerial office (4). As the [correspondence in relation to EMOs](#) shows,

Francis Maude tried to do away with the provision for a single non-renewable five year term in order to give the opportunity to political civil servants to continue their work across more than one parliament. This was regarded as unacceptable by the Civil Service Commission on the ground that it is against the intention of the [2010 Constitutional Reform and Governance Act](#) (which put regulation of the civil service onto a statutory footing). It could potentially open the way for appointing permanent civil servants without fair competition. In this respect, the fundamental balance in terms of advisory careers is preserved. Political civil servants can have no future in the professional political advisory market. At the same time, civil servants who become special advisers do not return to the civil service, while the work of special advisers retains its characteristics as a ‘mini profession, precarious, with high turnover, little training and no promotion chances’ (Yong and Hazell 2014, p.207).

In view of the above developments, the [question was raised](#) as to whether ministers will want an EMO? Given the perceived need of the political executive for greater external support, we would expect many of them to have established such offices. In so doing we would consequently expect to see signs of a *de facto* cabinetisation of the British ‘internal to government’ policy advisory system, with increasing distance between ministerial offices and line departments (5), a tendency towards politicisation of appointments and greater pressures for political responsiveness (6).

Yet, during the coalition government the establishment of EMOs did not advance. As Hazell (2014, p. 198) informs us there are ‘several twists in the tail of ministers who want an EMO’. First, EMO proposals need to be agreed with their Permanent Secretary and then approved by the Prime Minister. These are two veto points not to be found in cabinet systems, the exception being when ministers place requests for an increase in the size of their *cabinet*. Second, at least one member of the EMO needs to report back to Downing Street on implementation issues. This is what Robert Hazell coined as the ‘downing street nark’, enough to put off most ministers from wanting to set up EMOs. Finally, potential requests on behalf of Secretaries of State must also include proposals for strengthening support to junior ministers, which was especially a put-off during the coalition government.

While these provisions explain why EMOs were not taken up immediately, the fundamental challenge to ‘cabinetisation’ in the UK is that cabinets ‘raise the spectre of politicisation’ and of ‘difficulties in times of political transition’ (Yong and Hazell 2014, p. 165). Cabinets are widely discredited by both the civil service and many politicians as problematic because of their potential impact on the relationship between the executive and the career bureaucracy. More than anything cabinetisation seems to run counter to a deeply engrained tradition of civil service neutrality and impartiality, which is resisting change much more successfully than did the systems in Canada or Australia.

Yet, as was the case with other systems who moved further down the road of cabinetisation, the fundamental forces pushing in this direction are always there: the need for greater political and expert policy support, more political control over policy and, last but not least, the quest for political bodyguards whose job is to shield the executive from political and media criticism. In July 2013, the idea [won praise](#) from politicians from across whole political party spectrum in the UK, which shows that EMOs do have a broad base of support within the political class. In January 2015 EMOs appeared in the media as [being scuppered by Downing Street](#), yet in July 2015 the Education Secretary, Nicky Morgan, [was reported](#) to be ‘leading a group of cabinet ministers who want to use contentious powers to handpick civil servants and bring in outside experts in the face of opposition from Whitehall’. Following up on the take of EMOs by government ministers, we found out that such offices ‘have been approved and are being established in the Cabinet Office, the Department for Communities and Local Government, the Department for Education, the Department for Environment, Food and Rural Affairs and the Scotland Office’ (FOI322142-12/01/2016).

Where does this leave cabinetisation in the UK then? First, the rules are there for the establishment of a cabinet system, though a distinctively British one through the specific provisions regarding Extended Ministerial Offices. Second, beyond the statutory framework, cabinetisation seems to be actually taking place with the Cabinet Office and four Secretaries of State currently in the process of establishing EMOs. The British government policy advisory system is moving further along the road to cabinetisation. Yet, the road is bumpy and long. It may be argued it is a case of extremely slow and gradual cabinetisation through layering: the construction of a new institution alongside similar

existing ones. It is difficult to predict whether it will endure; but so far the direction of travel has been all one way.

About the authors

Athanassios Gouglas *is a doctoral researcher at the KU Leuven Public Governance Institute and visited The Constitution Unit in autumn 2015.*

Marleen Brans *is Professor of Public Policy at the KU Leuven Public Governance Institute.*

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